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FCC  
Washington D.C.

Re: PRM12WT and Local Government Control and Influence over HOA

## **Supplemental Comment**

Petitioner adds the following argument in support of the actions requested in PRM12WT by Petitioner Leonard J. Umina.

### **Executive Summary**

Petitioner suggests that Home Owners Associations have become an extension of Local Government and are enthusiastically promoted and even supported by them because they establish a means of achieving the objectives of local government without risk or observance of individual rights.

Petitioner suggests that this situation contradicts the Commission's argument in PRB-1 that said Association agreements represent "private contracts".

### **Argument and Discussion**

When PRB-1 was enacted Home Owners Associations (HOA) were viewed as corporations created by private contract and provided with authority by contract over the Owner.

Over time local governments began to realize that the HOA was a remarkably powerful vehicle to achieve local objectives without due process, risk or expense. To optimize the local utility of the HOA, these governments established and funded entities designed to facilitate the use of this new resource.

These actions create a connection to local government which conflicts with the Commissions reasoning in PRB-1. It simply does not matter if PRB-1 preempts local governments when a contradictory objective can be achieved by using an HOA under the leadership of the Local Government.

To illustrate this point, the Commission is invited to visit the following URL:

<http://mywebport.org/published/1/ea/leadership/collection/1/>

This website page illustrates the connection between three cities in Arizona and the local HOA's in the area. Please note the mission, "Education, Facilliate, Mediate". This entity is funded by these local governments. Exploration of the site is highly recommended.

We can no longer presume that Local Government is not part of or in control of an HOA. After all, they train the Boards, Facilitate the Boards, and Mediate member grievances or create and fund organizations that do so.

Let me also point out that these are not small cities, however the majority of residents are subject to HOA control as they were built out during the housing boom.

As a result of this evidence the petitioner suggests that granting the requested relive sought in PRM12WT is appropriate and necessary to maintain existing Public Policy, and that in the future the Commission restrict HOA's with the same enthusiasm that it now restrains Federal, State, and Local government in the interest of the public at large.

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